



Northern Chumash Tribal Council

A Native American Corporation - NorthernChumash.org
67 South Street, San Luis Obispo, CA 93401 805-801-0347

Brian Pedrotti, Project Manager
County Planning & Building Dept.
976 Osos St., Rm. 300
San Luis Obispo, CA 93408-2040

August 26, 2013

RE: Laetitia Agriculture Cluster Subdivision RRDEIR

Dear Brian,

Please find the Northern Chumash Tribal Council's comments concerning the above referenced project.

Because this proposed project has a significant effect on environment which include Cultural Resources, Biological Resources and Water Resources, the only alternative is "No Project."

Public Resources Code ("Pub. Res. C.") § 21000, and to "[e]nsure that the long-term protection of the environment shall be the guiding criterion in public decisions." Pub. Res. C § 21001(d) "CEQA was intended to be interpreted in such a manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory authority."

A total of 19 sensitive wildlife species were identified, although 10 were addressed in the RRDEIR, it is our Indigenous understanding that all 19 or more sensitive species may at one time visit or have been overlook in the field assessment, and any/all mitigations measurers would not work to save the sensitive wildlife species from harassment and does not meet the requirement of CEQA, and therefore NCTC recommends that the "No Project" alternative.

Additionally, a total of 34 sensitive plant species were identified for consideration during the literature search however, only 14 sensitive plant species were determined to have suitable habitat conditions within areas of the proposed project, because of the interconnectivity of this very important plant habitat NCTC recommends that "No Project" alternative.

Santa M • Cooper's hawk • South-central California coast steelhead • Sharp-shinned hawk • southwestern pond turtle • western yellow-billed cuckoo • two-striped garter • White-tailed kite • Coast Range newt snake • Willow flycatcher • California red-legged frog • White-tailed kite • Coast Range newtargarita manzanita • California saw grass • Wells' manzanita • Dune larkspur • Marsh sandwort • Indian Knob mountain balm • Miles's milk-vetch • San Luis Obispo County lupine • Cambria morning-glory • Carmel Valley bush mallow • Obispo Indian paintbrush • Black-flowered figwort • Straight-awned spine flower • San Bernardino aster

"[T]he overriding purpose of CEQA is to ensure that agencies regulating activities that may affect the quality of the environment give primary consideration to preventing environmental damage. CEQA is the Legislature's declaration of policy that all necessary action be taken 'to protect, rehabilitate and enhance the environmental quality of the state.'"

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The below BIO Impacts are significant and unavoidable, therefore the 'No Project' alternative is the only reasonable action.

The lead agency must identify all potentially significant impacts of the Project, and must therefore consider all the evidence in the administrative record, not just its initial study. Pub.

Res. C. §21080 (c), (d), §21082.2. CEQA Guidelines direct lead agencies to conduct an Initial Study to "determine if the Project may have a significant on the environment." §15063(a). "All phases of the Project planning, implementation, and operation must be considered in the Initial Study"

BIO Impact 1 Construction of road crossings and other structures within jurisdictional drainages would directly impact riparian and wetland habitat quality within the site and downstream from the site

BIO Impact 2 Construction and future uses of the project could indirectly impact riparian and wetland habitat quality within the site and downstream from the site.

BIO Impact 3 Development of the proposed project would result in the removal of and/or impacts to an estimated 169 coast live oak trees that are greater than five inches DBH, as well as impacts to approximately 14.35 acres of native oak woodland habitat. In accordance with Kuehl Bill mitigation techniques, half of the estimated oak trees that are removed or impacts can be replaced, but due to the long time period required for the planted trees to develop equivalent oak woodland habitat values, and the fact there is no assurance that oak trees within lot boundaries would be protected in the future, impacts to oak trees and oak woodlands are significant and unavoidable.

BIO Impact 4 Implementation of the proposed project would directly impact natural communities that provide habitat for special-status plant and wildlife species.

BIO Impact 5 Implementation of project activities in or adjacent to natural plant communities has potential to impact birds by disturbing their nesting behavior.

BIO Impact 6 Construction of the project has potential to impact breeding and dispersal habitat for California red-legged frog.

BIO Impact 7 The proposed project would result in a decrease in water quality within Los Berros Creek and steelhead critical habitat.

BIO Impact 8 Installation of the replacement vineyards could permanently impact natural plant communities, coast live oak trees, and freshwater marsh, including special-status species and nesting birds.

BIO Impact 9 Installation and future uses of the replacement vineyards directly adjacent to waters of the U.S would increase erosion and silt deposition into the drainage system.

BIO Impact 10 Construction and future uses of the dude ranch would directly impact natural communities that may support special-status species.

BIO Impact 11 The project would contribute to the permanent loss and fragmentation of native plant communities that support special-status species, resulting in a significant cumulative impact.

An indirect impact is a physical change in the environment, not immediately related to the Project in time or distance, but caused indirectly by the Project and reasonably foreseeable.

CEQA Guidelines §15064(d)(2) & §15358(a)(2). Indirect impacts to the environment caused by a Project's economic or social effects must be analyzed if they are "indirectly caused by the Project, are reasonably foreseeable, and are potentially significant." CEQA Guidelines §15064(d)-(e). A lead agency may not limit environmental disclosure by ignoring the development or *other activity* that will ultimately result from an initial approval. The following water impacts cannot be mitigated, because of the future potential and present proposed uses, the Los Berros Creek watershed is extremely important Steelhead, Red legged Frog and Plant habitat, therefore the only sound and reasonable consideration is "No Project."

WAT Impact 1 Development of the proposed project would potentially result in a direct, long-term impact to the surface and groundwater quantity if over-pumping or inefficient use of available domestic water resources occurs.

WAT Impact 2 Implementation of the proposed project would create additional impervious surfaces, and would result in a net increase in peak stormwater discharge, resulting in a potentially significant impact.

WAT Impact 3 Vegetation removal, grading, trenching, and construction associated with all phases of development, including tract improvements, facility construction, individual lot development, and utility installation would result in erosion and down-gradient sedimentation and pollutant discharges (e.g., sediment, oil, fuel, materials) into sources of surface water, including Los Berros Creek and its tributaries.

WAT Impact 4 The creation of additional impervious services may result in accelerated and concentrated stormwater runoff within natural drainages, causing gully erosion, down-gradient sedimentation, and discharge of fuel, oils, and other hydro-carbon based pollutants into sources of surface water including Los Berros Creek

WAT Impact 5 Incidental failure of treated effluent storage facilities could result in over-topping or sudden accidental release of treated effluent resulting in direct impacts to Los Berros Creek.

WAT Impact 6 During prolonged drought conditions, operation of the proposed project would contribute to the cumulative reduction of available water supply within the Los Berros Creek watershed, and the reduction of downstream flow.

WAT Impact 7 Implementation of the proposed project may result in cumulatively significant impacts to existing drainage patterns and flow rates within the Los Berros Creek watershed.

WAT Impact 8 Implementation of the proposed project may result in cumulatively significant impacts to water quality, including discharge of sediments and other pollutants during construction and operation of the project.

NCTC finds that this proposed project will have a significant impact on the environment and therefore must find that "No Project" is the only alternative.

Thank you for the opportunity to comment.

Fred Collins
Tribal Administrator
NCTC